

Section 7 Endangered Species Act No Effect Determination

US Highway 20/26 Corridor Study, I84 to Eagle Road

Project No. STP-3230 (106); Key: No. 07826

Consultation Code: 01EIFW00-2016-SLI-0367

Proposed Action

The Proposed Action is to widen and improve approximately 15 miles of US 20/26 between I-84 and Eagle Road to accommodate the forecasted increase in traffic through 2040. The project would widen the highway to include six travel lanes and a center median. Additional ROW would be acquired resulting in a new ROW width varying from 140 feet to 200 feet. Improvements would be made to intersections to include new signals and/or expanded footprints and channelization changes to facilitate traffic flow. The improvements include six high - capacity intersections located at Middleton Road, Star Road, Linder Road, Meridian Road, Locust Grove Road, and Eagle Road. Access control measures would be implemented where possible to improve safety. In addition, facilities for pedestrians and bicyclists including sidewalks, bike lanes, and/or a multi-use path would be constructed

Description of the Project Area

The natural environment along the corridor has been heavily altered by past farming practices and is currently in transition to residential and commercial uses. The comprehensive land use plans for the entire corridor support the change in land use from rural to urban. Because of developmental pressures, wildlife habitat for listed species in the project area is somewhat limited and likely to become more so over time.

Vegetation in the project area is a mix of native and non-native species. Vegetation along the highway is typified by forbs, and small to medium shrubs including cheatgrass, Canada thistle, prickly lettuce, Italian ryegrass, Himalayan blackberry, bedstraw, barnyard grass, and rabbitfoot grass. Several streams and irrigation ditches and canals cross the project corridor. These streams and the majority of the irrigation features ultimately discharge to the lower Boise River. Vegetation along these areas includes cottonwood and willow trees, cattails, and reed canarygrass.

Listed and Proposed Species and Critical Habitat

Slickspot Peppergrass (*Lepidium papilliferum*) - Listed Threatened, Critical Habitat-Proposed

The official species list (attached) dated November 29, 2016 lists Slickspot peppergrass as Threatened and its Critical Habitat as Proposed.

Due to agriculture and development the habitat has been severely degraded and modified throughout the project area. Based on the 2016 IFWIS Database, the nearest known observation of the species is 26 miles to east. The nearest Proposed Critical Habitat is 3.7 miles to the north of the project area. Observance of slickspots have never been observed in the project area throughout development which began in 2006. The most recent field surveys were conducted in October of 2015 and no habitat was found within the project vicinity. The Slickspot peppergrass or its habitat does not exist in the project area.

Conclusion

Based on the forgoing information the project action will have No Effect on Slickspot peppergrass or its Proposed Critical Habitat.

Document Preparer

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United States Department of the Interior



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Consultation Code: 01EIFW00-2016-SLI-0367

November 29, 2016

Event Code: 01EIFW00-2017-E-00160

Project Name: 7826 US20/26 Corridor Preservation

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Please note: The IPaC module for producing a list of proposed and designated critical habitat is currently incomplete. At this time, we ask that you use the information given below to determine whether your action area falls within a county containing proposed/designated critical habitat for a specific species. If you find that your action falls within a listed county, use the associated links for that species to determine if your action area actually overlaps with the proposed or designated critical habitat.

Canada Lynx (*Lynx canadensis*) - Designated February 24, 2009.
Counties: Boundary County.

Federal Register Notice:

<http://www.gpo.gov/fdsys/pkg/FR-2009-02-25/pdf/E9-3512.pdf#page=1>

Printable Maps:

http://www.fws.gov/mountain-prairie/species/mammals/lynx/criticalhabitat_files/20081222_fedre

GIS Data: http://criticalhabitat.fws.gov/docs/crithab/zip/lynx_ch.zip

KML for Google Earth: (None Currently Available)

Selkirk Mountains Woodland Caribou (*Rangifer tarandus Caribou*) - Proposed November 30, 2011.

Counties: Bonner and Boundary Counties.

Federal Register Notice: <http://www.fws.gov/idaho/home/2011-30451FINALR.pdf>

Printable Maps: http://www.fws.gov/idaho/home/Map1_sub1_150.pdf

GIS Data: (None Currently Available)

KML for Google Earth: (None Currently Available)

Bull Trout (*Salvelinus confluentus*) - Designated September 30, 2010.

Counties: Adams, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Clearwater, Custer, Elmore, Gem, Idaho, Kootenai, Lemhi, Lewis, Nez Perce, Owyhee, Shoshone, Valley, and Washington Counties.

Federal Register Notice:

<http://www.gpo.gov/fdsys/pkg/FR-2010-10-18/pdf/2010-25028.pdf#page=2>

Printable Maps: http://www.fws.gov/pacific/bulltrout/CH2010_Maps.cfm#CHMaps

GIS Data: <http://criticalhabitat.fws.gov/docs/crithab/zip/bulltrout.zip>

KML for Google Earth:

http://www.fws.gov/pacific/bulltrout/finalcrithab/BT_FCH_2010_KML.zip

Kootenai River White Sturgeon (*Acipenser transmontanus*) - Designated July 9, 2008.

Counties: Boundary County.

Federal Register Notice:

<http://www.gpo.gov/fdsys/pkg/FR-2008-07-09/pdf/E8-15134.pdf#page=1>

Printable Maps: (None Currently Available)

GIS Data: http://criticalhabitat.fws.gov/docs/crithab/zip/fch_73fr39506_acit_2009.zip

KML for Google Earth: (None Currently Available)

Slickspot Peppergrass (*Lepidium papilliferum*) - Proposed May 10, 2011. Counties: Ada, Canyon, Elmore, Gem, Owyhee, and Payette Counties.

Federal Register Notice: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-26/pdf/2011-27727.pdf>

Printable Maps: <http://www.fws.gov/idaho/Lepidium.html>

GIS Data: (None Currently Available)

KML for Google Earth: (None Currently Available)

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: 7826 US20/26 Corridor Preservation

Official Species List

Provided by:

Idaho Fish and Wildlife Office
1387 SOUTH VINNELL WAY, SUITE 368
BOISE, ID 83709
(208) 378-5243

Consultation Code: 01EIFW00-2016-SLI-0367

Event Code: 01EIFW00-2017-E-00160

Project Type: TRANSPORTATION

Project Name: 7826 US20/26 Corridor Preservation

Project Description: Proposed widening of US 20/26 from Eagle Road to I-84.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: 7826 US20/26 Corridor Preservation

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-116.35219458024949 43.66155093369445, -116.66347502614373 43.66127523821048, -116.66309393243864 43.66541544884066, -116.35257566347718 43.66513977110339, -116.35219458024949 43.66155093369445)))

Project Counties: Ada, ID | Canyon, ID



United States Department of Interior
Fish and Wildlife Service

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Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Flowering Plants	Status	Has Critical Habitat	Condition(s)
Slickspot peppergrass (<i>Lepidium papilliferum</i>)	Threatened	Proposed	

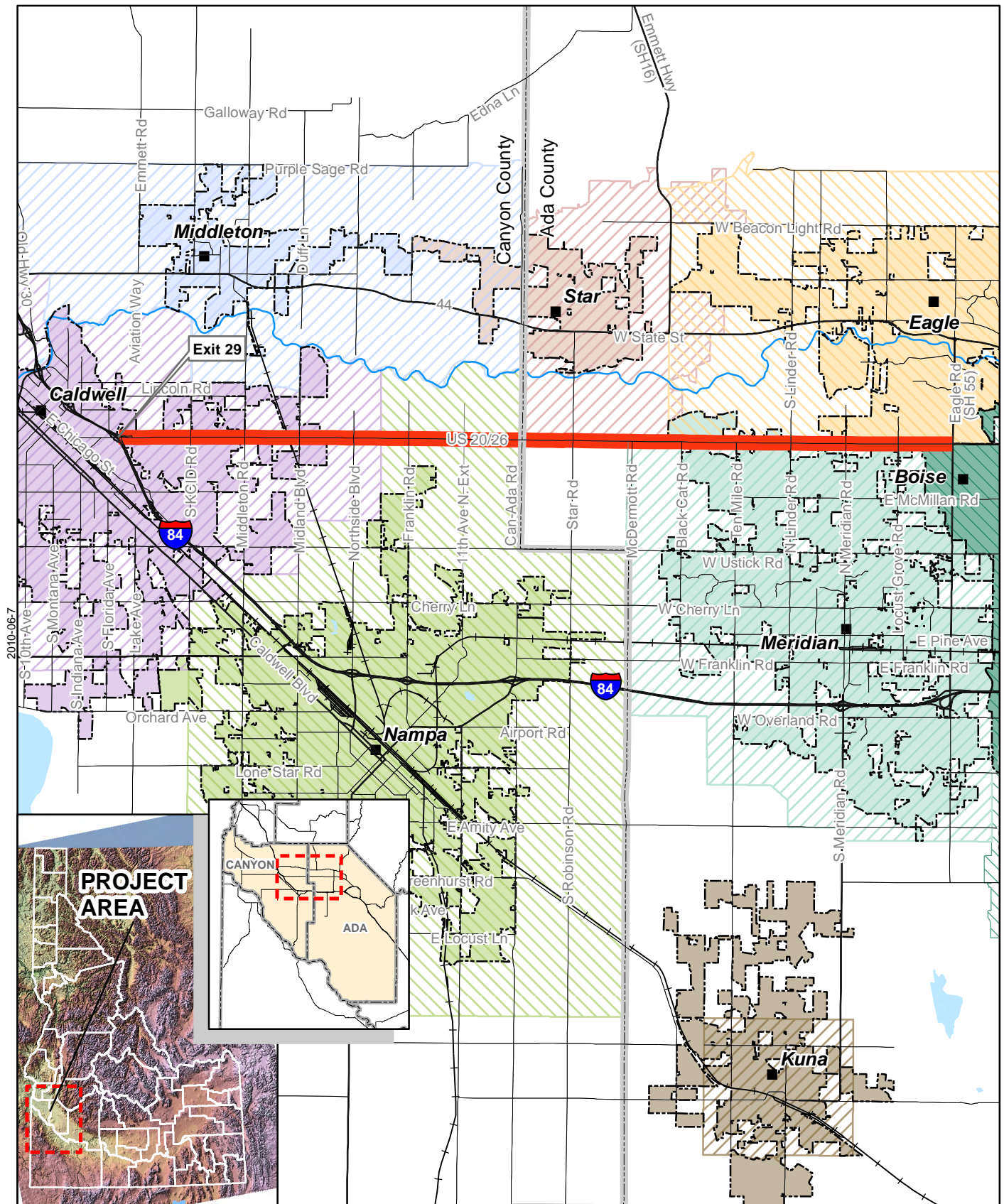


United States Department of Interior
Fish and Wildlife Service

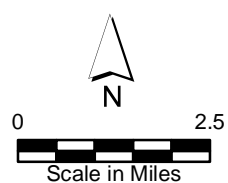
Project name: 7826 US20/26 Corridor Preservation

Critical habitats that lie within your project area

There are no critical habitats within your project area.



Data Source: Community Planning Association of SW Idaho



- US 20/26 Study Area
- State Highway
- Other Road
- Railroad
- County
- City Limits (colors vary)
- Area of City Impact
- Boise River
- Reservoir
- City

Figure 1
Vicinity Map
US 20/26 Corridor
Preservation Study